

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants thank the Examiner for indicating that the double patenting rejection could be overcome if Applicants filed a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c).

Claims 1 and 7 are currently amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 are now pending and submitted for reconsideration.

Double Patenting Rejection

Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,884,827 (hereinafter "Ota et al. 1") as evidenced by JP 2004-331814 (hereinafter "Yamamoto et al."). Applicants request that the rejection be withdrawn because a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) has been filed.

Rejection under 35 U.S.C. § 103

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. in view of JP 06-051679 (hereinafter "Matsumoto") as evidenced by Solvay Advanced Polymers, LLC product data sheet. Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 2004-0082701 (hereinafter "Ota et al. 2") in view of U.S. Patent No. 5,428,096 (hereinafter "Fukunaga et al.") and Matsumoto.

Applicants submit that neither Yamamoto et al. nor Ota et al. 2 are prior art. Applicants are entitled to a U.S. filing date of September 29, 2004 because Applicants filed this application on September 29, 2004. Applicants are entitled to an invention date of

October 2, 2003 because Applicants claim priority to JP 2003-344103. Pursuant to 37 C.F.R. § 1.55, WIPO has already submitted a copy of a certified copy of JP 2003-344103. Applicants now submit an English language translation of JP 2003-344103 with a statement that the translation is accurate.

Yamamoto et al. was published on November 25, 2004. Accordingly, Yamamoto et al. is not prior art under 35 U.S.C. § 102(a) because Yamamoto et al. was published after Applicants' invention date of October 2, 2003. Yamamoto et al. is not prior art under 35 U.S.C. § 102(b) because Yamamoto et al. was published after Applicants' date of application for patent in the United States. Further, Yamamoto et al. is not prior art under 35 U.S.C. § 102(e) because Yamamoto et al. was not filed in the United States. Accordingly, Applicants respectfully request that the Office withdraw the rejection of claims 1 and 7.

Ota et al. 2 was published on April 29, 2004. Accordingly, Ota et al. 2 is not prior art under 35 U.S.C. § 102(a) because Ota et al. 2 was published after Applicants' invention date of October 2, 2003. Ota et al. 2 is not prior art under 35 U.S.C. § 102(b), because Ota et al. 2 was published less than one year prior to the date of Applicants' application for patent in the United States. In addition, Ota et al. 2 is not prior art under 35 U.S.C. § 102(e) because Ota et al. 2 was not filed in the U.S. before Applicants' invention date. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 7.

Claims 2-6 depend from independent claim 1. Dependent claims 2-6 are patentable for at least the same reasons as independent claim 1 on which they ultimately depend. In addition, claims 2-6 recite additional patentable features when considered as a whole. Therefore, withdrawal of the rejection of claims 2-6 is respectfully requested.

Conclusion


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2/10/09

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371

Annora A. Bell
Attorney for Applicant
Registration No. 62,169

APPENDIX A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 14, 2006

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GLENN LAW
FOLEY & LARDNER LLP
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5143

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RECORDATION DATE: 03/31/2006

REEL/FRAME: 017778/0288
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 040302-0559

ASSIGNOR:
OTA, TOMOHITO

DOC DATE: 03/22/2006

ASSIGNOR:
HASHIMOTO, TOMIHITO

DOC DATE: 03/22/2006

ASSIGNOR:
YAMAMOTO, YASUAKI

DOC DATE: 03/15/2006

ASSIGNOR:
KUSANO, HIROO

DOC DATE: 03/15/2006

ASSIGNEE:
NISSAN MOTOR CO., LTD.
2, TAKARA-CHO, KANAGAWA-KU
YOKOHAMA-SHI, KANAGAWA-KEN 221-
0023
JAPAN

ASSIGNEE:

HITACHI CABLE, LTD.
14-1, SOTOKANDA 4-CHOME
CHIYODA-KU
TOKYO, 101-8971, JAPAN

SERIAL NUMBER: 10574216
PATENT NUMBER:
TITLE: SEAL RING AND SEAL DEVICE

FILING DATE:
ISSUE DATE:

VIOLET MCCOY, EXAMINER
ASSIGNMENT SERVICES BRANCH
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101574216
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To the Director of the United States Patent

103219243

attached original documents or copies thereof.

1. Name of conveying party(ies):

Tomohito OTA (03-22-2006)
Tomihito HASHIMOTO (03-22-2006)
Yasuaki YAMAMOTO (03-15-2006)
Hiroo KUSANO (03-15-2006)

2. Name and address of receiving party(ies):

NISSAN MOTOR CO., LTD.
2, Takara-cho, Kanagawa-ku
Yokohama-shi, Kanagawa-ken 221-0023 Japan

HITACHI CABLE, LTD.
14-1, Sotokanda 4-chome, Chiyoda-ku
Tokyo, 101-8971 Japan

Additional conveying party(ies) NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

See dates above

Additional name(s) & address(es) attached? NO

4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

March 15 and
22, 2006

A. Patent Application Number(s):

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Glenn Law
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

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ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

name and address of assignee *NISSAN MOTOR CO.,LTD. of 2, Takara-cho, Kanagawa-ku, Yokohama-shi, Kanagawa-ken, Japan*
HITACHI CABLE,LTD. of 4-14-1, Sotokanda, Chiyoda-ku, Tokyo, Japan

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

title of invention *SEAL RING AND SEAL DEVICE*

as set forth in this United States Patent Application

check one ☐ executed concurrently herewith
☐ executed on _____
☒ Serial No. PCT/JP2004/014700 Filed September 29, 2004

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon,including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER** the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Tomohito OTA	Signature: <i>Tomohito Ota</i>	Date: 22/03/2006
Name: Tomihito HASHIMOTO	Signature: <i>Tomihito Hashimoto</i>	Date: 22/03/2006
Name: Yasuaki YAMAMOTO	Signature:	Date:
Name: Hiroo KUSANO	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
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NAMES AND SIGNATURES OF INVENTORS		
Name: Tomohito OTA	Signature:	Date:
Name: Tomihito HASHIMOTO	Signature:	Date:
Name: Yasuaki YAMAMOTO	Signature: <i>Yasuaki Yamamoto</i>	Date: <i>15, March 2006</i>
Name: Hiroo KUSANO	Signature: <i>Hiroo Kusano</i>	Date: <i>15, March, 2006</i>
Name:	Signature:	Date:
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Patent #: [6884827](#) **Issue Dt:** 04/26/2005 **Application #:** 10403284 **Filing Dt:** 04/01/2003
Publication #: [20030189295](#) **Pub Dt:** 10/09/2003
Inventors: Tomohito Ota, Tomihito Hashimoto, Yasuaki Yamamoto, Hiroo Kusano
Title: SEAL RING AND SEAL DEVICE

Assignment: 1

Reel/Frame: [013934/0617](#) **Recorded:** 04/01/2003 **Pages:** 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [OTA, TOMOHITO](#)

Exec Dt: 03/14/2003

[HASHIMOTO, TOMIHITO](#)

Exec Dt: 03/14/2003

[YAMAMATO, YASUAKI](#)

Exec Dt: 03/26/2003

[KUSANO, HIROO](#)

Exec Dt: 03/26/2003

Assignees: [NISSAN MOTOR CO., LTD.](#)

2, TAKARA-CHO, KANAGAWA-KU, YOKOHAMA-SHI
KANAGAWA-KEN, JAPAN

[HITACHI CABLE, LTD.](#)

6-1, OTEMACHI 1-CHOME, CHIYODA-KU
TOKYO, JAPAN

Correspondent: MCDERMOTT, WILL & EMERY
ROBERT L. PRICE
600 13TH STREET, N.W.
WASHINGTON, D.C. 20005

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Web interface last modified: October 18, 2008 v.2.0.2

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